

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL DEPOSIT INSURANCE CORPORATION  
*as Receiver for CITIZENS NATIONAL BANK and  
Receiver for STRATEGIC CAPITAL BANK,*

*Plaintiff,*

v.

No. 12-cv-4000 (LTS)

BEAR STEARNS ASSET BACKED SECURITIES I  
LLC; THE BEAR STEARNS COMPANIES LLC.; J.P.  
MORGAN SECURITIES LLC.; CITICORP  
MORTGAGE SECURITIES, INC.; CITIMORTGAGE,  
INC.; CITIGROUP GLOBAL MARKETS INC.;  
CREDIT SUISSE FIRST BOSTON MORTGAGE  
SECURITIES CORP.; CREDIT SUISSE  
MANAGEMENT LLC; CREDIT SUISSE SECURITIES  
(USA) LLC; MERRILL LYNCH MORTGAGE  
INVESTORS, INC.; MERRILL LYNCH MORTGAGE  
CAPITAL INC.; MERRILL LYNCH, PIERCE,  
FENNER & SMITH INC.; ALLY SECURITIES, LLC;  
DEUTSCHE BANK SECURITIES INC.; HSBC  
SECURITIES (USA) INC.; RBS SECURITIES INC.;  
and UBS SECURITIES LLC,

*Defendants.*

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE THAT**, upon the accompanying Memorandum of Law, the Declaration of Andrew T. Frankel, dated December 6, 2012, and the exhibits attached thereto, Defendants Bear Stearns Asset Backed Securities I LLC, The Bear Stearns Companies LLC, J.P. Morgan Securities LLC, Citicorp Mortgage Securities, Inc., CitiMortgage, Inc., Citigroup Global Markets Inc., Credit Suisse First Boston Mortgage Securities Corp., Credit Suisse Management LLC, Credit Suisse Securities (USA) LLC, Merrill Lynch Mortgage Investors, Inc., Merrill Lynch Mortgage Capital Inc., Merrill Lynch, Pierce, Fenner & Smith Inc., Ally Securities, LLC, Deutsche Bank Securities Inc., HSBC Securities (USA) Inc., RBS Securities Inc., and UBS Securities LLC will move this Court, before the Honorable Laura T. Swain, United States

District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, on a date and time designated by the Court, for an order dismissing the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and granting Defendants such other and further relief as the Court deems just and proper. Oral argument is requested on a date and at a time designated by the Court.

Dated: December 6, 2012  
New York, New York

Respectfully submitted,

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